



SO ORDERED.

SIGNED this 17 day of December, 2013.

*Stephani W. Humrickhouse*

Stephani W. Humrickhouse  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION  
5:14-MC-1-BO

In re RICHARD ALLEN YATES

Soc. Sec. No.: xxx-xx-1559  
Mailing Address: 100 Kalida Court, Cary,  
North Carolina 27513

**Bankruptcy Case No. 13-01243-8-SWH**

Debtor,

RICHARD YATES,

Plaintiff,

v.

**Adversary Proceeding No. 13-00173-8-SWH**

SMITH DEBNAM NARRON DRAKE  
SAINTSING & MYERS, LLP, and JOHN  
DOE I,

Defendants.

**CONSENT ORDER REQUESTING WITHDRAW OF REFERENCE AND EXTENDING  
TIME TO FILE RESPONSE TO AMENDED COMPLAINT**

This matter comes on to be heard upon the consent of the parties to have the United States District Court ("District Court") withdraw the reference of this matter from the United

States Bankruptcy Court ("Bankruptcy Court") and to extend the date for responding to the Amended Complaint. Based upon the consent, agreement and stipulation of the parties, the court makes the following findings of fact and conclusions of law:

1. The Debtor filed a First Amended Complaint on October 22, 2013 in the Bankruptcy Court for the Eastern District of North Carolina under Bankruptcy Case No. 13-01243-8-SWH. The Clerk of the Bankruptcy Court designated the case as Adversary Proceeding No. 13-0017-38-SWH.

2. In the First Amended Complaint, Richard Alan Yates ("Plaintiff") seeks to recover actual and statutory damages from Smith Debnam Narron Drake Saintsing & Myers, LLP and John Doe 1 ("Defendants") for alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq. The Plaintiff also seeks actual and punitive damages against the Defendants for alleged intentional infliction of emotional distress and alleged negligent infliction of emotional distress. The Plaintiff demanded a jury trial.

3. The Plaintiff alleged that the Bankruptcy Court has both personal and subject matter jurisdiction to hear the matters contained in the Complaint pursuant to 28 U.S.C. § 157(b)(2) and 1334 and pursuant to the Order entered by the District Court for the Eastern District of North Carolina on August 3, 1984 referring bankruptcy matters to the Bankruptcy Court as provided under the Bankruptcy Amendments and Federal Judgeship Act of 1984,

4. The Plaintiff also alleged that the matter in the Complaint is a "core proceeding" as defined in 28 U.S.C. § 157(b)(2) and 28 U.S.C. § 157(b)(2)(E).

5. Upon further consideration of the ability of the Bankruptcy Court to enter a final judgment in this matter, the parties have agreed that sufficient cause exists for the District Court should to withdraw its reference to the Bankruptcy Court for this matter and to hear the matter.

6. It is in the best interest of the parties to have the reference withdrawn and for the matter to be heard by the District Court.

7. The time for filing a response to the Amended Complaint expires on December 12, 2013, and the parties agree that the Defendants shall have until January 12, 2014 to file a response to the Amended Complaint; now therefore,

It is ORDERED, ADJUDGED and DECREED as follows:

1. The District Court is requested to withdraw the reference of this matter from the Bankruptcy Court;

2. The Defendants shall have until January 12, 2014 to respond to the Amended Complaint.

WE CONSENT

LAW OFFICE OF JOHN T. ORCUTT, P.C.

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E.D.N.C. LR 83.1(e) Counsel by Special Appearance, pursuant to  
E.B.N.C. LR 2090-1c

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